



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.lacounty.gov>

DAVID E. JANSSEN
Chief Administrative Officer

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First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

December 5, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ACQUISITION OF LEASEHOLD INTEREST, TENANT IMPROVEMENTS
PERTAINING TO THE REALTY AND ALL OTHER PROPERTY AND INTERESTS IN
PROPERTY OF LESSEE FOR LA CRESCENTA LIBRARY PROJECT AT
2801-2813 FOOTHILL BOULEVARD, LA CRESCENTA
(FIFTH) (4 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution of Necessity to acquire, by eminent domain, the leasehold interest, tenant improvements pertaining to the realty, and all other property interests owned by CBS Outdoor a/k/a Viacom Outdoor (CBS/Viacom) in the property located at 2801-2813 Foothill Boulevard, La Crescenta, in connection with the New La Crescenta Library Project.
2. Instruct County Counsel to file condemnation proceedings and take the necessary action to obtain an Order of Immediate Possession.
3. Authorize the Auditor-Controller to issue a warrant in the amount of \$183,000 to be deposited into an account established by the Superior Court as part of the eminent domain proceedings.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In October 2005, the County acquired the real property at 2801-2813 Foothill Boulevard, La Crescenta (Subject Property) for construction of a replacement library to serve the La Crescenta community. The acquisition did not include compensation for CBS/Viacom's tenant improvements, consisting of an outdoor advertising sign, support structure and other

intangible property interests. In February 2006, CBS/Viacom made an unsubstantiated written settlement offer of \$397,952 for all of their interests, which County staff opined was excessive. On July 11, 2006, your Board authorized the Chief Administrative Office (CAO) to obtain appraisal reports to determine the estimated values for CBS/Viacom's tenant improvements and their loss of goodwill resulting from the County's inability to relocate the signboard to a new suitable location.

At the end of October 2006, the County submitted a fair market value offer of \$183,000 for all of CBS/Viacom's interests in the Subject Property. The estimated fair market value of \$183,000, which was the basis of the County's offer, was provided in an appraisal performed by Integra Tech, a company with extensive experience in providing business valuations and economic damage analysis. This all-inclusive offer included compensation for CBS/Viacom's tenant improvements, leasehold interests, loss of goodwill, and any other entitlements or relocation benefits resulting from the removal of the signboard from the Subject Property. CBS/Viacom rejected the offer and has not been willing to engage in settlement negotiations with either the County or its relocation consultant, Epic Land Solutions. The impasse between the parties has resulted in a stalemate which will delay construction of the La Crescenta Library project (C.P. 77450), scheduled to commence in April 2007, if the signboard has not been removed

The enclosed Resolution of Necessity, if adopted, will authorize the County to acquire, by eminent domain, CBS/Viacom's leasehold, tenant improvements and all other property interests in the Subject Property and allow the proposed construction schedule of the library project to proceed in a timely manner.

FISCAL IMPACT/FINANCING

The funding for the acquisition of CBS/Viacom's interests is available in the FY2006 -07 Capital Project budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On August 16, 2005, your Board adopted a joint recommendation approving several actions, including authorization to purchase the three tenant-occupied Subject Property for the expansion of the existing La Crescenta Library (the Project). We advised your Board at that time that expenses under the relocation assistance program to relocate the tenants had not yet been determined.

The County, with the assistance of its relocation consultant, has successfully relocated two of the three tenants occupying the property when it was acquired by the County on October 20, 2005 (Bruce's Automotive and Newtiques, Inc.), however, finding a comparable relocation site for CBS/Viacom's tenant improvements, consisting of a 14'x 48' illuminated signboard and a large supporting steel structure, has been unsuccessful.

Pursuant to Section 1245.210 et seq. of the Code of Civil Procedure, prior to adopting the attached Resolution of Necessity, your Board must find and determine that: (1) the public interest and necessity require the Project, (2) the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury, (3) the acquisition of CBS/Viacom's signboard and all of its other property interests in the Subject Property is necessary for the Project, and (4) the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

These findings and determinations are justified based on the information contained herein as well as the information presented to your Board in connection with your Board's August 16, 2005 action, including the Final Initial Study and Mitigated Negative Declaration for the New La Crescenta Library. In addition, these findings and determinations are appropriate for the following reasons:

- The continued occupancy of the Subject Property by CBS/Viacom is incompatible with the use of the Subject Property for the proposed library. The size and location of CBS/Viacom's signboard interferes with the integrated use of the Subject Property and the adjacent, existing library site and conflicts with the proposed location of the new library building.
- The acquisition of the tenant improvements and other property interests will enable the County to commence with the La Crescenta Library project in April 2007, as scheduled.
- The CAO has established an amount which it believes to be just compensation based upon an appraisal of the fair market value and has made an offer to the owner of record in the amount of this appraisal.

Code of Civil Procedure Section 1245.235 requires that a public hearing be held prior to the adoption of the Resolution of Necessity. Notice of the hearing has been sent to the property owner as required by the above code sections.

ENVIRONMENTAL DOCUMENTATION

As indicated above, on August 16, 2005, your Board approved the Environmental Assessment/Mitigated Negative Declaration for the La Crescenta Library project together with comments received during the public review process and adopted the Mitigation Monitoring and Reporting Program to ensure compliance with the project conditions as contained in the Mitigated Negative Declaration and to mitigate or avoid environmental effects.

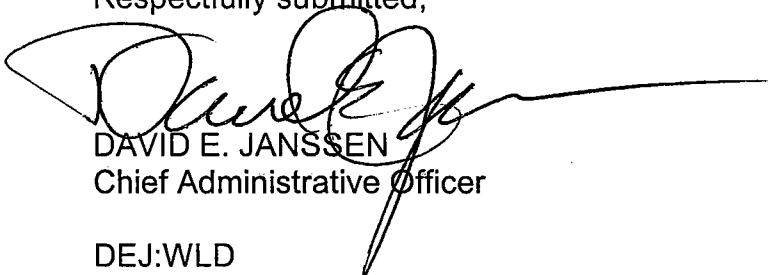
IMPACT ON CURRENT SERVICES (OR PROJECTS)

It is the finding of the CAO that the proposed acquisition is in the best interests of the County and such action will allow construction of the La Crescenta Library project to commence in April 2007, as scheduled.

CONCLUSION

Enclosed are one original and four duplicates of the proposed Resolution of Necessity. Upon adoption, please retain two copies for your files. It is requested that the Executive Officer, Board of Supervisors, return one original and two copies of the executed Resolution of Necessity, two certified copies of the Minute Order, and the adopted, stamped Board letter to the CAO Real Estate Division at 222 South Hill Street, 3rd Floor, Los Angeles, California for further processing

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David E. Janssen', with a long horizontal line extending to the right.

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:WLD
CB:CM:dd

Attachment (1)

c: County Counsel
Public Library
Department of Public Works
Auditor-Controller

RESOLUTION OF NECESSITY OF THE COUNTY OF LOS ANGELES TO
EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE PROPERTY
FOR THE NEW LA CRESCENTA LIBRARY PROJECT

WHEREAS, the County of Los Angeles proposes to construct the New La Crescenta Library ("the Project"), consisting of a library building, parking lot and various, appurtenant, landscape and hardscape features; and

WHEREAS, the Project is proposed to be located, in part, on property in the La Crescenta area of the unincorporated territory of the County of Los Angeles, at 2801-2813 Foothill Boulevard, identified by Assessor Identification Numbers 5803-011-002, 003, 004, and 005, and as depicted on the map attached hereto as Exhibit "A" and as legally described in Exhibit "B" to this Resolution, consisting of approximately 26,300 square feet ("the Subject Property"); and

WHEREAS, the Subject Property is subject to one or more leases, including a lease for the purpose of erecting and maintaining an advertising display;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. The public interest and necessity require the Project.

Section 2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 3. The property described in Section 6, below, is necessary for the Project.

Section 4. The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record.

Section 5. The property described in Section 6, below, is to be taken for a public use, namely, for the construction, operation and maintenance of a public library and all uses necessary, incidental or convenient thereto, in connection with the Project.

Section 6. The property authorized to be acquired for the Project, by this Resolution, consists of the following:

- (a) Any and all leases and leasehold interest(s) pertaining to the Subject Property;

- (b) All fixtures and equipment and improvements pertaining to the realty located on the Subject Property, including the outdoor advertising structure and all appurtenances thereto; and
- (c) To the extent not included in subparagraphs (a) and (b), above, all other property and/or property interests of CBS Outdoor, a/k/a Viacom Outdoor, on or in the Subject Property.

Section 7. The County is authorized to acquire the property described in Section 6, above, pursuant to the following:

- (a) Article I, Section 19 of the Constitution of the State of California;
- (b) California Code of Civil Procedure, Sections 1230.010 through 1273.050, and Sections 1240.610, et seq. in particular; and
- (c) California Government Code, Sections 25350.5, 25351 and 26150.

Section 8. The County Counsel is hereby authorized to institute eminent domain proceedings in the Superior Court of the State of California for the County of Los Angeles, for the purpose of acquiring the property described in Section 6, above, and is further authorized to institute proceedings for taking pre-judgment possession of said property and to deposit the probable amount of compensation therefor, in accordance with California Code of Civil Procedure Section 1255.010, as directed by the Superior Court as security for said possession.

The foregoing Resolution was duly adopted by the Board of Supervisors of the County of Los Angeles, by at least a four-fifths vote of the members thereof, on the _____ day of _____, 2006.

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

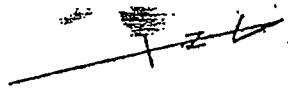
RAYMOND G. FORTNER, Jr.
County Counsel

BY: _____

Deputy

CODE
 4088

FOR PREP. ASSMT. SEE: 5803 - 11



TRACT NO. 10658

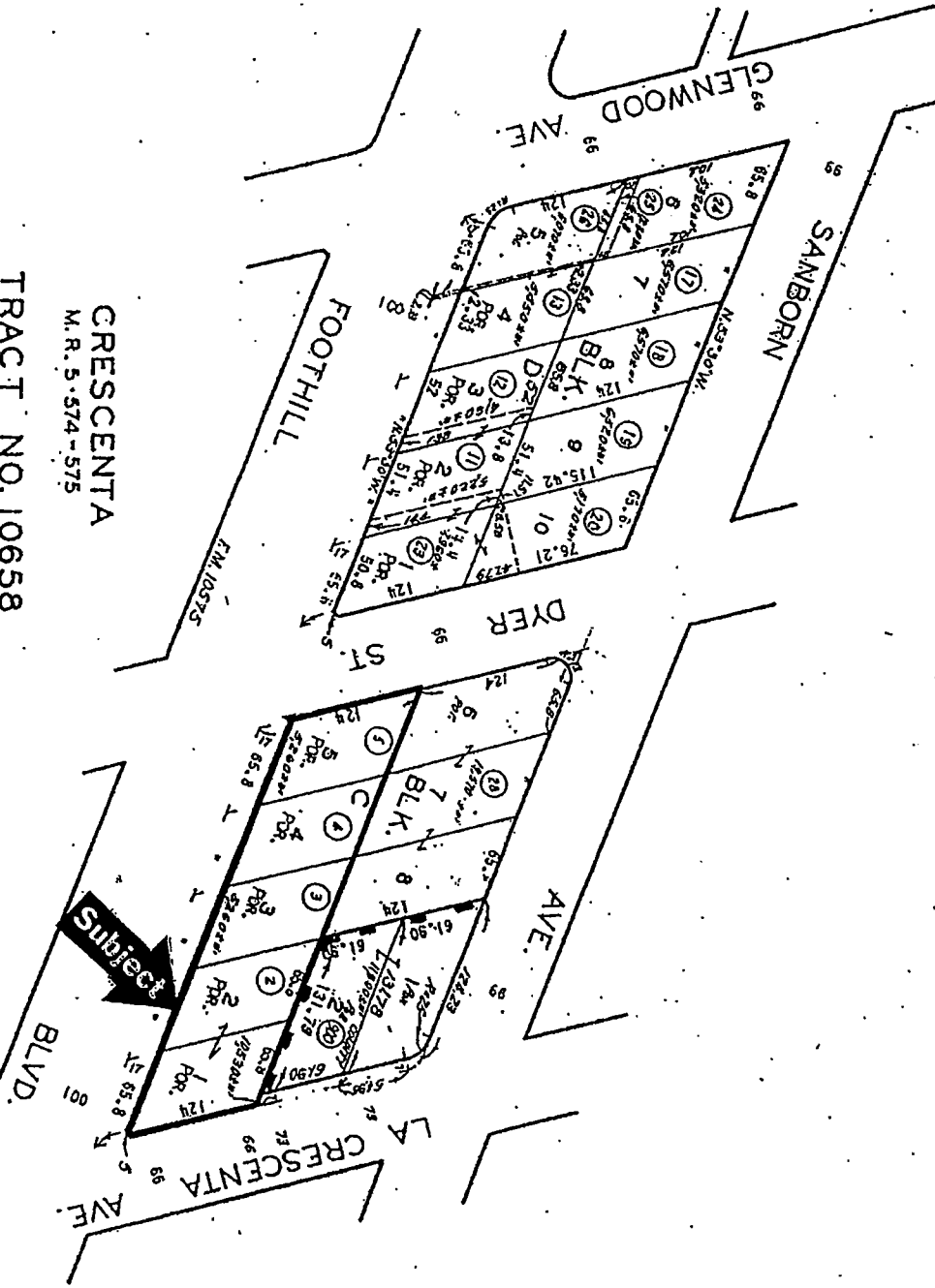
CRESCENTA
 M.R. 5-574-575

M.B. 164-19

Assessor's Plat Map

for

2801-2813 Foothill Boulevard
 La Crescenta, California 91214



6-16-62
 42077

REVISED
 4-27-62
 5-4-63
 11-19-63 P
 1203, 19413
 0609044-97
 0111007005001-04

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF.

LEGAL DESCRIPTION

Lots 1 and 2 in Block "C" of the Townsite of Crescenta Canada, in the County of Los Angeles, State of California, as per map recorded in book 5, page 575 of Miscellaneous Records, in the office of the County Recorder of said County.

Except therefrom those portions thereof, described as follows:

Those portions of said Lots 1 and 2 lying Southwesterly of a line parallel with and distant Northeasterly 50 feet, measured at right angles, from the centerline of Foothill Boulevard (formerly Michigan Avenue) 66.00 feet wide, as shown on County Surveyor's Map No. 7597, Sheet 1, on file in the office of the County Surveyor of said County.

That portion of said Lot 1, described as follows:

Beginning at the intersection of the Northeasterly line of Parcel 1 above, with the Westerly line of La Crescenta Avenue, 66 feet wide, thence Northerly along said Westerly line, 5 feet; thence Southwesterly in a direct line to a point on said Northeasterly line distant Northwesterly thereon 5:00 feet from the point of beginning.

Lots 3, 4 and 5 in Block "C" of the Townsite of Crescenta Canada, in the County of Los Angeles, State of California, as per map recorded in book 5 page 575 of Miscellaneous Records, in the office of the County Recorder of said County.

Except therefrom those portions of said Lots 3, 4 and 5 lying Southwesterly of a line parallel with and distant Northeasterly 50.00 feet, measured at right angles, from the centerline of Foothill Boulevard (formerly Michigan Avenue) 66.00 feet wide, as shown on County Surveyor's Map No. 7597, Sheet 1, on file in the office of the County Surveyor of said County.